



January 14, 2000

Ms. Katherine Minter Cary
Assistant Attorney General
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

OR99-3046A

Dear Ms. Cary:

You ask this office to examine Open Records Letter No. 99-3046 (1999), because this office failed to properly mark one portion of one document which you state is confidential by law. Your request was assigned ID# 131183.

The Office of the Attorney General (the OAG) received a request “to view any and all documents ... relating to the question of whether the personal information of people who receive money from the Crime Victims’ Compensation Fund is, or is not, open record [sic].” You indicate that all responsive information has been released to the requestor except for the information this office found that the OAG could withhold in Open Records Letter No. 99-3046 (1999) and the information for which you now seek a decision.

You have submitted one document for our review, Exhibit A, and claim that four words which you have highlighted must be withheld because they are confidential by law. We agree. Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” This section encompasses information protected by other statutes. After reviewing the submitted information, we find that you must withhold the highlighted information in Exhibit A. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), cert. denied, 430 U.S. 931 (1977); Open Records Decision No. 611 at 1 (1992).

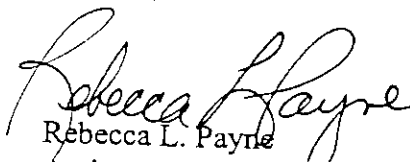
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,


Rebecca L. Payne
Assistant Attorney General
Chief, Open Records Division

RLP/JDB/ljp

Ref: ID# 131183

Encl. Submitted document

cc: Mr. Brian Collister
c/o Laura Lee Stapleton
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(w/o enclosures)